

**Federal Defenders
OF NEW YORK, INC.**

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VIA EMAIL and ECF

The Hon. Judith McCarthy
United States Magistrate Judge
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

April 26, 2024

SO ORDERED:

Application granted.

Judith C. McCarthy

4-26-24

JUDITH C. McCARTHY
United States Magistrate Judge

Re: *United States v. Jose Lema, 23-cr-535 (JMC)*

Dear Judge McCarthy,

I am writing on behalf of Jose Lema, who is a defendant in a pending misdemeanor case before this Court. He is scheduled to be sentenced on May 22, 2024. As the Court knows, he has been fully compliant with his pretrial release since it began on July 25, 2023. His bond conditions include:

- The defendant is to permit warrantless entry to OSHA at all its worksites/job.
- [The defendant must] [p]rovide written advance notice of all Defendant's jobs in the States of New York and New Jersey to OSHA. The written notification will include the job's street address, job start date, and anticipated job length. [For] Jobs added to the work schedule with less than one-week advance notice, Defendant will send an email schedule update to OSHA including the job information requested above. Defendant will send this email schedule update as soon as possible.

Last week, Mr. Lema shuttered his business, ALJ Home Improvement, Inc. because the current civil and criminal cases have discouraged potential contractors from hiring ALJ. He is now going to try and support his family (wife, elderly mother, and five minor children) by working as a day laborer. As such, he will neither be in charge of worksites nor supervising employees.

Mr. Lema requests that the above two conditions be modified to require compliance only if he is a worksite or employee supervisor. Without this modification, it will be impossible for him to accept last minute jobs, which are the bread and butter of day labor.

I have discussed this modification with AUSA Margery Feinzig. She has no objection.

Sincerely,



Rachel S. Martin

cc: Margery Feinzig, AUSA